IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SIXTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO.12801 of 2004

Between:

Md.Riyazuddin, S/o Late S.K.Dawood,
E-93582, Cleaner-RTC H.No.3-15-91, Subhash Road,
Narayanapet, Mahaboobnagar District

..... PETITIONER

AND

1 The A.P.S.R.T.C.rep.by its Managing Director, Musheerabad, Hyderabad
2 The A.P.S.R.T.C.rep.by its Regional Manager, Mahaboobnagar Region,

Mahaboobnagar

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of Writ of Mandamus declaring that the action of the respondents in not considering my case for appointment on compassionate grounds for appointment as Cleaner/Conductor or for any suitable post in pursuance of the Proc.No.P2/684 (5)/2001-RM-MBNR, Mahaboobnagar dated 27-3-2002 is arbitrary, discrimination, illegal, unjust and against the well established principles of law and as such liable to be set aside in the interest of justice with a consequential direction to appoint the petitioner in any suitable post forthwith and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case

Counsel for the Petitioner:MR.S.M.SUBHAN

Counsel for the Respondent No.: MR.K.HARINATH (SC FOR APSRTC)

The Court at the admission stage made the following Order:

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO.12801 OF 2004

ORDER:

The petitioner is the son of the deceased employee in the respondents Corporation. While in service, his father died in harness on 25-12-1996, leaving behind him, two brothers and his mother. Subsequently, the petitioner approached the second respondent and filed a representation on 07-06-1999, and again on 13-10-2000 requesting to consider his elder brother's case for any suitable post on compassionate grounds. The second respondent rejected the case of petitioner's elder brother on the ground that he does not possess requisite qualifications. Immediately, the petitioner's mother made a representation to the second respondent to provide employment to the petitioner, but the said representation was also rejected by proceedings dated 27-03-2002 stating that the petitioner was under aged. Thereafter, the petitioner on attaining the prescribed age, made a representation along with his mother on 05-06-2003 to provide employment, but the respondents failed to consider and did not pass any orders on the said representation. Hence, the present writ petition.

The rules provide for compassionate appointments. The respondents are not disputing the death of the petitioner's father while in service.

The representation of the petitioner's elder brother was not considered on the ground that he does not possess requisite qualifications, and also the case of the petitioner was rejected on the ground that he was under aged. The petitioner on attaining the age of 21 years made a representation dated 05-06-2003, but the respondents did not pass any orders on the said representation. When there is right to provide employment under the rules, it is obligation on the respondents to provide suitable employment to the petitioner or to any one of the members of the family of the deceased employee in the suitable post. The conduct of the respondents in not passing any orders on the representation of the petitioner dated 05-06-2003,

unmindful of the difficulties of the family of the deceased employee, is not appreciable.

In the light of the aforesaid circumstances, the respondents are directed to pass appropriate orders on the representation of the petitioner dated 05-06-2003 and provide suitable employment to him if he is not otherwise not qualified with the consent of the other members of the family or to any one of the members of the family within one month from the date of receipt of a copy of this order.

The Writ Petition is accordingly allowed. No costs.

26-07-2004

usd

To

1. The Managing Director, APSRTC, Musheerabad, Hyderabad
2 The Regional Manager, APSRTC Mahaboobnagar Region,

Mahaboobnagar

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